IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

MFA.No. 33 of 2000()

IC.26/1998 of EMPLOYEES' INSURANCE COURT, ALAPPUZHA
.....

APPELLANT/OPPOSITE PARTY:

REGIONAL DIRECTOR,
E.S.I.CORPORATION,
THRISSUR.

BY ADV. SRI.T.V.AJAYAKUMAR

RESPONDENT/APPLICANT:

K.K.PARAMESWARAN,KOLLERITHARA HOUSE,
B.T.S.ROAD, EDAPPALLY, COCHIN – 24.

BY ADV. SRI.A.V.XAVIER
SRI.K.JOLLY JOHN
SMT.THUSHARA JAMES

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.No.33 OF 2000

Dated 4th June, 2007

JUDGMENT

Koshy,J.

The respondent approached the Employees' Insurance Court when it received notice of coverage and payment of contribution of the employees. The E.I. Court held that since Toddy Shop Employees' Welfare Fund is implemented, Employees' State Insurance Act is not applicable and hence allowed the application. This appeal is filed by the Employees' State Insurance Corporation. The Apex Court held that even though welfare fund is implemented, E.S.I. Act is applicable. Then the questions whether first respondent Toddy Shop had 20 or more employees, what was the wages paid to them etc. are matters of dispute. In the above circumstances, the appeal is allowed. The impugned judgment is set aside and the matter is remanded back to the E.I. Court for deciding other questions on merit. Parties shall appear before the E.I. Court on 6.8.2007.

The appeal is allowed by way of remand.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

tks